

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY, MARCH 9<sup>th</sup>, 2005  
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
MARIE MALBURG, TREASURER  
TRUSTEES: DINO F. BUCCI, JR.  
JANET DUNN  
ROGER KRZEMINSKI  
NANCY NEVERS

ABSENT: NONE

Also in attendance: Lawrence W. Dloski, Township Attorney  
James R. Gelios, Deputy Clerk  
Jerome R. Schmeiser, Community Planning Consultant  
James Van Tiflin, Township Engineer of Spalding DeDecker &  
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the roll. All members present.

2. Approval of Agenda Items (*With any corrections*)

**MOTION by BUCCI seconded by MALBURG to approve the agenda as amended.**

**MOTION carried.**

3. Approval of the bills

**MOTION by KRZEMINSKI seconded by NEVERS to approve the bill runs as submitted.**

**MOTION carried.**

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4. Approval of the February 23<sup>rd</sup>, 2005 previous Meeting Minutes

**MOTION by DUNN seconded by MALBURG to approve the February 23<sup>rd</sup>, 2005 previous meeting minutes as submitted.**

**MOTION carried.** Supervisor BRENNAN abstained from the motion, indicating that he wasn't present for the meeting.

5a. **CONSENT AGENDA ITEMS:**

**Clerks Department:**

- 5a1. **Approve Wall Sign Bond Return; Party Adventure II:** Located on the northwest corner of Hall Road and Romeo Plank Road; Dan Steward, Petitioner. Permanent Parcel No. 08-32-476-012
- 5a2. **Approve Wall Sign Bond Return; Curves for Women;** Located on the northwest corner of 21 Mile Road and Garfield Road; Dawn LaTorre, Petitioner. Permanent Parcel No. 08-29-352-025
- 5a3. **Approve Wall Sign Bond Return; Brann's Steakhouse;** Located on the north side of Hall Road approximately 1/3 mile west of Romeo Plank Road. Beacon Sign Company, Petitioner. Permanent Parcel No. 08-32-400-020

**MOTION by KRZEMINSKI seconded by MALBURG to approve the consent agenda items as submitted.**

**MOTION carried.**

6. Public Comments (Non Agenda items only - 3 minute time limit)

Public Portion: Frank Campbell, Township resident, addressed his concerns regarding the widening of 23 Mile Road.

**PUBLIC HEARING:**

7. **Special Assessment District; Street Lighting; Westminster Subdivision No. 2;** Located on the north side of 22 Mile Road approximately ½ mile east of Hayes Road; Grand Sakwa Macomb Airport LLC, Petitioner. Permanent Parcel No. 08-19-200-012

Supervisor BRENNAN opened the public hearing at 7:10 p.m.

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Supervisor BRENNAN reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by MALBURG to approve the Special Assessment District; Street Lighting; Westminster Subdivision No. 2; Permanent Parcel No. 08-19-200-012 and adopt the resolution as follows:**

**FOR THIS MOTION: DUNN, MALBURG, KRZEMINSKI, BUCCI, NEVERS, KOEHS, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: NONE**

**Street Lighting Westminster Subdivision No. 2**

**RESOLUTION ORDERING ESTABLISHMENT**

**OF STREET LIGHTING DISTRICT**

**Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on March 9, 2005, at 7:00 P.M., Eastern Standard Time.**

**PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Janet Dunn, Dino F. Bucci, Jr., Roger Krzeminski, Nancy Nevers.**

**ABSENT: None**

**The following preamble and resolution were offered by Member DUNN and supported by Member MALBURG.**

**WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and**

**WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating streets serving lands described in Exhibit "A" is necessary to preserve the public safety and welfare.**

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**WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and**

**WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

**1. It is hereby directed that a street light or lights shall be installed at Westminster Subdivision No. 2, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".**

**2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.**

**3. The annual electrical service charge is Twenty One Thousand Eight Hundred Forty Five dollars and 59/100 (\$21,845.59). Three times the annual cost is Sixty Five Thousand Five Hundred Thirty Six dollars and 77/100 (\$65,536.77). Total project cost is Two Hundred Twenty Four Thousand Nine Hundred Twenty Two dollars and 30/100 (\$224,922.30). The petitioner contribution amount is One Hundred Fifty Nine Thousand Three Hundred Eighty Five dollars and 53/100 (\$159,385.53). The Townships at large contribution is zero dollars and 00/100 (\$0.00).**

**4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.**

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**MICHAEL D. KOEHS, CMC  
MACOMB TOWNSHIP CLERK**

**SAD, Street Lighting, Westminster Subdivision No. 2**

**EXHIBIT "A"**

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**LEGAL DESCRIPTION OF  
SPECIAL ASSESSMENT LIGHTING DISTRICT**

**Part of Section 19, Town 3 North, Range 13 East, Macomb Township, Macomb County, Michigan, being described as:**

**Commencing at the South Quarter Post of Section 19 and the Southeast corner of Proposed Westminister Subdivision; Thence along proposed Westminister Subdivision the following four (4) courses, South 88 degrees 11 minutes 29 seconds west 847.61 feet along the south line of Section 19, North 01 degrees 51 minutes 41 seconds west 261.00 feet, South 88 degrees 11 minutes 29 seconds west 72.00 feet and North 01 degrees 52 minutes 07 seconds West 2409.13 feet to the East and West Quarter Line of Section 19 and the point of beginning; thence South 88 degrees 10 minutes 04 seconds West 99.00 feet along the East and West Quarter Line of Section 19; Thence North 01 degrees 44 minutes 31 seconds West 1327.83 feet; Thence North 88 degrees 34 minutes 42 seconds East 1008.93 feet to the North and South Quarter line of Section 19; Thence North 88 degrees 19 minutes 15 seconds East 2665.09 feet to the East line of Section 19; Thence South 02 degrees 16 minutes 40 seconds East 13331.44 feet along the East line of Section 19 to the East Quarter Post of Section 19; Thence South 88 degrees 33 minutes 06 seconds West 1981.69 feet along the East and West Quarter Line of Section 19; Thence South 01 degrees 52 minutes 45 seconds East 431.26 feet to the North line of Proposed Westminister Subdivision; Thence along the North line of Proposed Westminister Subdivision the following five (5) courses, North 35 degrees 50 minutes 26 seconds West 428.31 feet, North 71 degrees 35 minutes 30 seconds West 102.78 feet, South 87 degrees 54 minutes 14 seconds West 1138.63 feet, North 50 degrees 18 minutes 00 seconds West 76.20 feet to the East and West Quarter line of Section 19 and South 88 degrees 10 minutes 04 seconds West 74.50 feet along the East and West Quarter line to the point of beginning. Containing 114.79 acres, more or less. Subject to any and all easements and rights of way of record or otherwise.**

**Pre-Printed Portion of document  
drafted by:**

**Lawrence W. Dloski  
ANTHONY, SEIBERT AND DLOSKI, PLLC  
59 N. Walnut, 202 Vicant Building  
Mt. Clemens, MI 48043**

**AFTER RECORDING RETURN TO: Michael D. Koehs**

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Macomb Township Clerk  
54111 Broughton Road  
Macomb, MI 48042

**RESOLUTION DECLARED ADOPTED.**

**PLANNING COMMISSION:**

8. **Land Division Variance; Buckingham Village Subdivision No. 2; Section Nos. 17-114(a) & 17-140(a) – Landscape easement completion requirements;**  
Located on the south side of 23 Mile Road east of Heydenreich Road. GTR Builders, Petitioner. Permanent Parcel No. 08-22-100-020.

Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and recommended that the request be approved subject to fulfilling the standard conditions as related to request.

Petitioner Present: Chris Cousino of GTR Builders

Public Portion: None

**MOTION by DUNN seconded by KRZEMINSKI to approve the Land Division Variance; Buckingham Village Subdivision No. 2; Section Nos. 17-114 (a) & Section 17-140 (a) – to allow construction of homes within the subdivision without completion of the landscape plan as approved by the Township provided that the standard conditions are fulfilled, the petitioner submit as built plans and improvements are completed by June 1<sup>st</sup>, 2005. Permanent Parcel No. 08-22-100-020. This motion is subject to fulfilling the standard conditions of the Planning Consultants.**

**MOTION carried.**

9. **Land Division Variance; Riviera Ridge Estates Subdivision; Section No. 17-132(d) – elimination of Stub Street;** Located on the east side of Card Road north of 22 Mile Road. Riviera Ridge Estates LLC, Petitioner. Permanent Parcel No. 08-23-300-022

Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and recommended that the request be approved subject to fulfilling the standard conditions as related to request.

Petitioner Present: Jeff Allegoet

Public Portion: None

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**MOTION by KRZEMINSKI seconded by BUCCI to approve the Land Division Variance; Riviera Ridge Estates Subdivision; Section No. 17-132(d) – Elimination of Stub Street to the east crossing the north branch of the Clinton River. Permanent Parcel No. 08-23-300-022. This motion is subject to fulfilling the standard conditions of the Planning Consultants.**

**MOTION carried.**

10. **Final Preliminary Plat; Elan Estates Subdivision;** Located on the south side of 24 Mile Road, approximately ¼ mile east of Card Road; Elan Estates, LLC, Petitioner. Permanent Parcel No. 08-14-100-003.

Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and recommended that the request be approved subject to fulfilling the standard conditions as related to request.

Petitioner Present: Jeff Allegoet

Public Portion: None

**MOTION by DUNN seconded by NEVERS to follow the Planning Consultants recommendation and approve the Final Preliminary Plat; Elan Estates Subdivision Permanent Parcel No. 08-14-100-003. This motion is subject to fulfilling the standard conditions of the Planning Consultants.**

**MOTION carried.**

11. **Final Preliminary Plat; Pinnacle Woods Subdivision;** Located on the south side of 23 Mile, 330 feet west of Townships limits; Landtec Development, Petitioner. Permanent Parcel No. 08-24-226-018.

Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and recommended that the request be approved subject to fulfilling the standard conditions as related to request.

Petitioner Present: Jeff Allegoet

Public Portion: None

**MOTION by KRZEMINSKI seconded by MALBURG to approve the Final Preliminary Plat for Pinnacle Woods Subdivision pursuant to fulfilling the Planning Consultants standard conditions. Permanent Parcel No. 08-24-226-018.**

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**This motion is subject to fulfilling the standard conditions of the Planning Consultants.**

**MOTION carried.**

12. **Land Division Variance; Tesner Park Subdivision; Section No. 17-114(a) & Section 17-140(a) – Landscape easement completion requirements;** Located on the east side of Card Road approximately ½ mile north of Hall Road. V & M Development, Petitioner. Permanent Parcel No. 08-35-300-037.

Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and recommended that the request be approved subject to fulfilling the standard conditions as related to request.

Petitioner: Not Present

Public Portion: None

**MOTION by KRZEMINSKI seconded by BUCCI to approve the Land Division Variance request for Tesner Park Subdivision specifically for Section Nos. 17-114(a) & 17-140(a) – To allow construction of homes within subdivision without completion of the landscape easement as approved by the Township provided that the Planning Consultants standard conditions are fulfilled, the petitioner submit as built plans, and improvements are completed by June 1<sup>st</sup>, 2005. Permanent Parcel No. 08-35-300-037.**

**MOTION carried.**

**NEW BUSINESS:**

13. Authorize commencement of the Township Land Division Ordinance review and revisions.

Supervisor BRENNAN and Larry Dloski, Township Attorney reviewed the request.

Public Portion: None

**MOTION by KRZEMINSKI seconded by DUNN to authorize commencement of the Township Land Division Ordinance review and revisions.**

**MOTION carried.**



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**BUILDING DEPARTMENT:**

14. Request for two (2) Plumbing Inspectors to Attend the Plumbing Inspectors Spring Conference.

Bob Beckett, Building Department Official, reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by NEVERS to approve the request to allow George Ryan, Plumbing Inspector and Ken Borycz, Plumbing Inspector to attend the Plumbing Inspectors Spring Conference in Frankenmuth Michigan beginning April 20, 2005 through April 22, 2005 for the total cost of Seven Hundred Ninety Five dollars and 80/100 (\$795.80) which includes registration and lodging for both employees. Meals and Mileage not included will be reimbursed pursuant to the Township Policy.**

**MOTION carried.**

15. Request to Purchase two (2) vehicles for the Township Building Department

Bob Beckett, Building Department Official, discussed the action taken at the Board of Trustees meeting of February 23<sup>rd</sup>, 2005 regarding the request to purchase two (2) Ford Ranger vehicles. Mr. Beckett reviewed the request to upgrade the previous approval of Ford Ranger vehicles in exchange for two (2) F-150 Ford Trucks.

Public Portion: None

**MOTION by KRZEMINSKI seconded by BUCCI to approve the request to purchase two (2) Ford F-150 vehicles through County Purchasing for the total cost of Twenty Three Thousand Seventy Four dollars and 00/100 (\$23,074.00) replacing the Township Board of Trustees February 23, 2005 motion regarding the request to purchase two (2) Ford Ranger vehicles.**

**MOTION carried.**

**CLERKS DEPARTMENT:**

16. Request to attend The Complete Management Course for Planning Directors.  
*(Tabled from the 02-23-05 Township Board Meeting)*

Clerk KOEHS reviewed the request.

Supervisor BRENNAN reviewed that he is not in favor of out of state conferences.

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**MOTION by BUCCI seconded by KRZEMINSKI to deny the request submitted by Sherrin Hood, Planning Supervisor to, attend the complete management course for planning directors in Chicago.**

**FOR THIS MOTION: BUCCI, KRZEMINSKI, NEVERS, DUNN, MALBURG, BRENNAN.**

**OPPOSED: KOEHS**

**MOTION carried.**

**HUMAN RESOURCE DEPARTMENT:**

*This item was moved to Executive Session*

17. Request Authorization for the Township Supervisor to Sign the Tentative Collective Bargaining Agreement between the Township and MAFF for our Full-time Fire Fighters.

*At the employees request this item was moved to Executive Session*

18. Recommendation to the Board Regarding Employment of N. Ferguson
19. Request Authorization to Upgrade Part-time Parks & Recreation Maintenance Position to Full-time

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: Mr. Campbell questioned the number of full-time employees in the Parks & Recreation Department. Mr. Brogowicz indicated that at the current time the Parks & Recreation Department has five (5) full-time positions.

**MOTION by KRZEMINSKI seconded by DUNN to approve the request and upgrade Matthew Sharp's part-time position to a full-time combination position for Grounds/Maintenance work and pool maintenance as found in the Collective Bargaining Agreement with AFSCME Local 1103-C paid at a rate of Fifteen dollars and 01/100 (\$15.01) per hour. Effective Date on or before March 14, 2005.**

**MOTION carried.**

**WATER & SEWER DEPARTMENT:**

20. Request to Purchase New Vehicles

David Koss, Water & Sewer Department Superintendent, reviewed the request.

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Public Portion: None

**MOTION by KRZEMINSKI seconded by NEVERS to approve the request to purchase one (1) new 2005 GMC 1500 ½ ton 4x4 Pickup Truck with an 8' Bed for the total cost of Sixteen Thousand Seven Hundred Thirty Five dollars and 00/100 (\$16,735.00); one (1) 2005 GMC HD 4x4 Pickup Truck with an 8' Bed (*Includes Mounted 8' Western Snow Plow*) for the total cost of Twenty Three Thousand Five Hundred Forty Eight dollars and 00/100 (\$23,548.00) through Red Holman Pontiac GMC from Oakland County Bid pricing. Both vehicles will require additional equipment to add Township emblems, striping, the emergency lights and bed liners for the total added cost of One Thousand Two Hundred fifty dollars and 00/100 (\$1,250.00) per vehicle. Approval is also for the purchase for one (1) 2005 Ford Explorer 4x4 vehicle through Jerome Duncan Ford for the total cost of Twenty One Thousand Five Hundred Seventy Six dollars and 50/100 (\$21,576.50) as submitted.**

**MOTION carried.**

21. Approval of New Water Main Project MA04-022

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by NEVERS to approve the request for the New Water Main Project; Hall Road Water Main (Consumers Energy Right-of-Way) MA04-022 for the total cost of Fourteen Thousand Seven Hundred dollars and 00/100 (\$14,700.00) as submitted.**

**MOTION carried.**

**BOARD COMMENTS:**

22. Supervisor Comments: None

23. Clerk Comments: None

24. Treasurer Comments: None

25. Trustees Comments: None

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**EXECUTIVE SESSION:**

**MOTION by BUCCI seconded by KRZEMINSKI to adjourn into executive session at 7:42 p.m.**

**MOTION carried.** *The Members of the Board reconvened at 8:03 p.m.*

26. Sims Road Industrial, LLC v Township of Macomb  
Proposed Consent Judgment

**MOTION by DUNN seconded by NEVERS to approve the Sims Road Industrial, LLC v Township of Macomb consent judgment reducing the road right-of-way to 70 feet and authorize the Township Attorney to sign the documents.**

**FOR THIS MOTION: DUNN, NEVERS, KRZEMINSKI, BUCCI, MALBURG, KOEHS, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: NONE**

**MOTION carried.**

27. Polaris Enterprises v Township of Macomb

*Tabled indefinitely at the Township Attorneys request*

*This item was previously shown as agenda item number 17 and has been moved to executive session*

17. Request Authorization for the Township Supervisor to Sign the Tentative Collective Bargaining Agreement between the Township and MAFF for our Full-time Fire Fighters.

**MOTION by KRZEMINSKI seconded by BUCCI to approve the request and authorize the Township Supervisor to sign the tentative Collective Bargaining Agreement between the Township and MAFF for full-time fire fighters.**

**MOTION carried.**

*This item was previously shown as agenda item number 18 and has been moved to executive session as requested by the employee*

18. Recommendation to the Board Regarding Employment of N. Ferguson

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**MOTION by KRZEMINSKI seconded by NEVERS to receive and accept the letter of resignation submitted by Nicole Ferguson.**

**MOTION carried.**

**ADJOURNMENT:**

**MOTION by BUCCI seconded by NEVERS to adjourn the meeting at 8:04 p.m.**

**MOTION carried.**

Respectfully,

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John D. Brennan, Supervisor

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Michael D. Koehs, CMC  
Macomb Township Clerk  
MDK/gmb